

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SANDRA L. DENMAN,	)	Case No. 4:05 CV 1910
	)	
Plaintiff,	)	Judge Peter C. Economus
	)	
vs.	)	AGREED REPORT AND
	)	RECOMMENDATION OF
YOUNGSTOWN STATE UNIVERSITY,	)	MAGISTRATE JUDGE
	)	
Defendant.	)	Magistrate Judge James S. Gallas
	)	

On December 15, 2006, and December 19, 2006, Judge Economus referred this case to the undersigned for resolution of the pending discovery disputes between the parties. Over the past several weeks, the parties have worked to resolve outstanding discovery issues, and participated in a number of telephone status conferences with the undersigned. Having received the representation of counsel that all discovery disputes have been resolved subject to the conditions outlined herein, the following Report and Recommendation is submitted to the Court for its consideration:

1. Subject to the conditions contained herein, the parties have successfully resolved their outstanding discovery disputes and agree to work together to resolve any future discovery issues without the intervention of the Court. The parties have exchanged correspondence containing various agreements, including Plaintiff's letters of January 5, 2007, and January 9, 2007, and defendant's letters and responses of January 29, 2007, February 6, 2007, and February 9, 2007, and virtually all of the written discovery has been completed. To the extent not already completed, the parties will work together to complete all outstanding items set forth in Plaintiff's letters of January 5 and January 9, 2007. Defendant has represented that it has produced all files separately maintained

by Messrs. Chatman, Habat, and Sweet related to cabinet level positions, subject to an asserted privilege. To the extent that plaintiff continues to seek files related to the second bullet-point contained in the January 9, 2007 correspondence, the parties will work cooperatively to resolve those issues. To the extent there are remaining discovery issues set forth in Defendant's letters and responses of January 29, 2007, February 6, 2007, and February 9, 2007, Defendant will identify them.

2. On January 24, 2007, counsel for plaintiff inspected a large number of documents at Youngstown State University, and marked those that plaintiff wished to have copied. Several documents that plaintiff identified may not have been copied through inadvertence. The parties pledge to work together to identify, locate and produce any such missing documents.

3. Plaintiff's counsel has agreed to certify the completeness of her discovery responses and other matters described in the parties' correspondence, which will be completed by April 5, 2007.

4. The parties agree that they will engage in ongoing discussions regarding the defendant's claims of attorney-client privilege. Specifically, the parties acknowledge and agree that the plaintiff may challenge defendant's assertion of attorney-client privilege, and commit to working together to resolve any such challenge(s).

5. Defendant will revise and expand its response to Interrogatory No. 1 by April 5, 2007 to indicate the sources upon which Ms. Jacobs' relied in verifying Defendant's Interrogatory Responses.

6. The parties jointly move, and the Magistrate Judge recommends that the Court reopen discovery to allow the parties to proceed with depositions in accordance with the following calendar. Subject to the reopening of discovery, the depositions of Plaintiff Denman, the person YSU

designates pursuant to a notice to be provided pursuant to Fed. R. Civ. P. 30(b)(6) as knowledgeable regarding the reasons for the non-renewal/termination of Denman's contract as General Counsel, and YSU President David Sweet will take place at YSU on April 12, and 13, 2007, respectively. The deposition of John Habat will be scheduled as soon thereafter as practicable. The parties request that discovery remain open until July 13, 2007, following the conclusion of the depositions of Denman and Sweet.

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s/James S. Gallas  
United States Magistrate Judge

AGREED and APPROVED:

*/s/ Christopher P. Thorman*

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Dated: March 13, 2007